

# The Internal Organisation

OF THE

## Merchant Adventurers of England

A Thesis presented to the Faculty of Philosophy of the  
University of Pennsylvania, and read before the Royal  
Historical Society, London, England  
November 1902

BY

WILLIAM E. LINGELBACH

In Partial Fulfillment of the Requirement for the  
Degree of Doctor of Philosophy

PHILADELPHIA, 1903

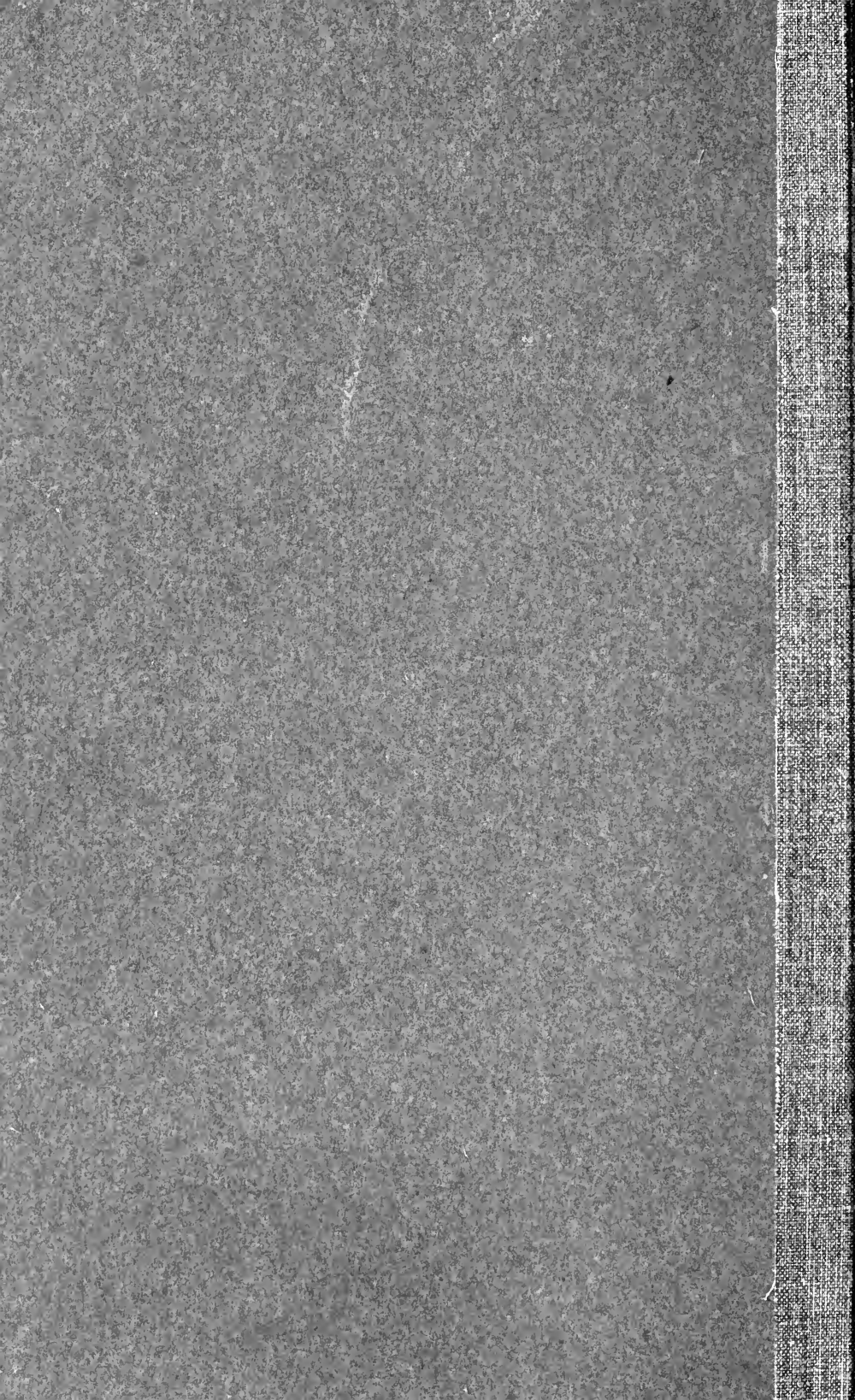
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## THE INTERNAL ORGANISATION OF THE MERCHANT ADVENTURERS OF ENGLAND

### I.—INTRODUCTION

THE Merchant Adventurers occupied a unique place in the history of England. Their life and activities were closely associated with the most varied phases of the national progress ; their influence is seen not only in the municipal and domestic affairs of the realm, but also in many of its most important international relations. Through their branch organisations in the different towns of England the Adventurers were brought into close contact with local and municipal life ; through their position as the great buyers and exporters of woollen cloth they came into immediate contact with English industrial development. For several centuries the Society enjoyed a virtual monopoly of the foreign trade in the English cloth manufacture. Its wealth and power became very great, and, as is to be expected, the Adventurers, both as individuals and as a corporate organisation, became potent factors in the field of national politics also—a fact seen most clearly in their participation in the restoration of financial credit in the sixteenth century, and the overthrow of the Stuarts in the seventeenth. In international affairs the Adventurers were connected at a very early date with the active intercourse between England and the Low Countries. Concerned solely with foreign commerce, and strongly supported by the Crown, they gradually secured for themselves the English commerce on the North Sea, and therefore necessarily became the agents and exponents of the successful

commercial policy inaugurated by the Tudors. The Fellowship and its activities became the channel through which the mutual influence of England and the Continent in the industrial and commercial world was chiefly transmitted, and the history of the Adventurers strikingly illustrates those larger interests which England in her economic development shared with Europe. Equally unique is the place occupied by the Society in forming a connecting link between the Middle Ages and modern times. In its origin and organisation it was closely akin to the fundamental institution of mediæval industrial life, the Gild. In its activities and methods it represented that vigorous initiative and commercial enterprise which characterised the England of the sixteenth and seventeenth centuries.

In view of these facts it seems most extraordinary that not more has been done to elucidate the history of the Society. No attempt whatever has been made at an exhaustive study. For shorter periods, especially for the early history of the Society, much good work has been done, but both Schanz<sup>1</sup> and Professor Gross,<sup>2</sup> who have done such admirable work in this period of its history, treat it rather as it appeals to them in relation to the particular subject with which they are immediately concerned. For the age of Elizabeth, Professor Ehrenberg<sup>3</sup> has added a great deal of valuable material; but the Merchant Adventurers, even for the limited period which he treats, do not form the subject of his work. There is, however, one very important fact which may account for the slight attention hitherto devoted to this subject. The absence, partly real, partly imaginary, of material out of which to construct a history of the Society would seem to account for the lack of persistent effort to work out the continued story of the Fellowship. The records of the Society are not known to

<sup>1</sup> Schanz, *Englische Handelspolitik*, 2 vols. Leipzig, 1881.

<sup>2</sup> Gross, *The Gild Merchant*, 2 vols. Oxford, 1890.

<sup>3</sup> Ehrenberg, *England und Hamburg im Zeitalter der Königin Elizabeth*. Jena, 1896.

exist, and until recent years the great mass of other material was buried in manuscript form in museums and local archives. This is rapidly being made accessible, so that an exhaustive history of the Adventurers is no longer out of the range of possibility.

It is not my purpose, however, in this study to present an account of the history of the Society. The character and form of the organisation of the Merchant Adventurers, as it existed during the latter half of the sixteenth and earlier part of the seventeenth centuries, alone forms the subject of the present dissertation. The sources for the period are adequate for a definite and conclusive study of the government and organisation of the Fellowship. To this time belongs the famous 'Treatise of Commerce' by the secretary of the Company, Mr. John Wheeler; the compilation of the 'Laws and Ordinances' by the same author, and the important Charters of 1564 and 1586, the former constituting the Society a body corporate, and the latter confirming former privileges, adding new and valuable materials on the relation between the General and Local Courts of the Society. But in addition to the fact that the sources for this phase of the subject are fairly complete, there is another very important reason for beginning the study of the history of the Merchant Adventurers by a thorough investigation into the character of the membership and the form of its government or organisation. An accurate knowledge of the structure of the Society will form an admirable basis for a more extended treatment of the entire subject. The latter half of the sixteenth century is the period of crystallisation in the development of the Adventurers' Society, and a thorough knowledge of the static conditions of the period cannot but be of great service in studying the history of the Company, both during its formative period prior to the Charter of Incorporation in 1564, and during the years that follow, when the government and constitution were securely settled, and the interest centres in its external life and activities.

## II.—MEMBERSHIP

1. *Admission to Membership*

The Charter of 1564 constituted the Merchants Adventurers a corporation with a perpetual succession, the right to sue and to be sued, to hold and sell property, etc. It must not be supposed, however, that this instrument created the Society. That had been accomplished by a slow steady growth extending over several centuries. It does not, therefore, mark the origin of the Society; it simply makes it a corporate body, establishing it on a legal basis, with definite rights and relations to the State or Government.

The Charter is granted to Mr. John Marth, the governor; to fifty-three others, whose names are mentioned; and to 'all and every other person or persons, our subjects, which heretofore have or hath been admitted and allowed, and now, remaine and be free of the fellowship or company. . . .'<sup>1</sup> These constitute the Charter members of the Fellowship which is now officially incorporated under the title of 'Governor Assistants and Fellowship of Merchants Adventurers of England,' and 'every person hereafter admitted shall be a member of the body corporate of the Fellowship of Merchants Adventurers of England.'

The rules governing admission to membership in the future are provided for in two ways by the instrument: first, by direct specification in the Charter itself, second by giving the sanction of authority to such laws and ordinances regarding membership 'as the Fellowship may hereafter ordain and establish.' The first of these might be called Charter or constitutional provisions; the second are legislative or statutory in character, emanating from the government of the Fellowship.

Only a few conditions as to membership are prescribed by the Charter, and these, it should be said at the outset, are all based on the desire to maintain the purity of the member-

<sup>1</sup> *State Papers, Dom.*, Charles II., vol. xxvii. fol. 44.



ship of the organisation as an English society abroad. Emphasis is constantly laid in the Charters on the provisions that the members must be Englishmen, that they must be merchants, and that they must be engaged in the foreign trade to the parts set forth in the Charter. They were not a society of any particular town or port based on local traditions ; they were broadly and distinctly national. Besides the points just mentioned there are two provisions or qualifications of a negative character which serve still further to emphasise the national or English character of the Society. One appears in the rule that no one married to a foreign woman may become a member ; the other in the exclusion of all merchants seized of real property abroad. These two regulations are strongly emphasised in the Charter ; non-fulfilment of either requirement not only bars the way to admission, but in case the offending party is already a member, he forfeits by that very act all right to membership, to wit, ' And further we for us our heirs and successors will grant ordain and establish by these presents that any person or persons which now is or at any time hereafter shall be free of the said Fellowship of the Merchant Adventurers of England shall at any time or times hereafter marry and take to wife any woman born out of this Realm of England and other our Dominions or shall at any time or times hereafter purchase, obtain get or have to himself or to any person or persons to his use or upon any confidence or trust any Lands, tenements or hereditaments in any of the said parts or places beyond the seas out of our Dominions, that then and from thenceforth immediately after such marriage or purchase so to be had or made the same person or persons which so shall marry or purchase as is aforesaid shall be *ipso facto* disfranchized off and from the said Fellowship of Merchants Adventurers of England, and shall not be at any time after reputed, received accepted or used by the said Governours, Assistants and Fellowship of Merchants Adventurers of England or their successors or by any other person or persons as one of the said Fellowship or free of the same,

but shall from thenceforth in all and every place and places be utterly excluded of and from all liberties traffiques trade of merchandises preëminences jurisdictions and voyages belonging unto the said Fellowship of Merchants Adventurers of England, or to any person being free of the same.'<sup>1</sup> If a member of the Society was so married or seized at the time of the granting of the Charter, he was forbidden to appear amongst the Fellowship or be present at any consultation, conference, or council till his condition was changed.<sup>2</sup> But necessary and important as these regulations apparently were, even absolute compliance with them was by no means a passport for admission. The Fellowship, according to its grants, was entirely free to elect or reject any person. Mere compliance with the provisions just set forth made the merchant eligible as a candidate; his election depended on an entirely different set of circumstances.

For besides the conditions *sine qua non* laid down by the Charter, there existed many others that had to be complied with before admission to membership was accorded, and still others to which obedience was necessary if that membership was to continue. These emanated from the Society itself, the right to legislate in the matter being granted in the Charter as follows: 'Power is given the governour, assistants and Fellowship of Merchants Adventurers of England to admit all persons they shall think meet and convenient.'<sup>3</sup>

Apart from persons seized of real property abroad, or married to a foreign woman, there appears to have been no restriction upon the power of the organisation to admit or reject whom it pleased. The question therefore is, What rules did the Society itself adopt for its guidance in this important matter? What standards and requirements did it establish which the candidate for admission had to meet? What were the legislative provisions laid down on the point

<sup>1</sup> *State Papers, Dom.*, Charles II., vol. xxvii. fol. 55.

<sup>2</sup> This would indicate that the rule was new, or that if it did exist it had not been enforced.

<sup>3</sup> *State Papers, Dom.*, Charles II., vol. xxvii. fol. 49.

by the corporate body, as contrasted with those laid down by the State?

These are found at length in the Laws and Ordinances, compiled by Wheeler, and appear together in the chapter on 'Admissions into the ffellowshippe with Orders Concerninge as well ffreemen as Apprentyces.'<sup>1</sup> According to the provisions there set forth, the freedom of the Fellowship is extended on four distinct grounds: first, after a term of service as an apprentice with a freeman of the Company; second, by patrimony; third, by 'redemption,' that is, without any antecedent requirements other than the payment of a heavy entrance fine; and, fourth, by election to honorary membership. The first two classes have a legal claim to election; the last two have none. Thus 'no person of what degree or state whatsoever shall be admitted into the ffreedome of this ffellowshippe of Merchantes Adventurers of England, except he bee rightly Intituled thereunto either by Patrimonie from his father an absolute ffree and sworn brother of the said ffellowshippe, before the birth of the said partie Intituled, or else by servyce with a ffree brother of the same ffellowshippe by Indenture, orderly made, after the said maister was ffree himself or except that (not having anie such tittle to the ffreedome) he will and doe foorthwith pay for a fyne or redemption to the use of the ffellowshippe twoe hundred pounds sterlinge at least.'<sup>2</sup>

To secure the freedom by apprenticeship one must be sixteen years of age before being bound, and continue to serve as an apprentice for eight years. At the expiration of that period, if the service has been satisfactorily performed, and the apprentice has not by his own act or acts made void his claim, he is entitled to election.<sup>3</sup>

He must then, 'at a General Court one this syde the Seas'<sup>4</sup>

<sup>1</sup> The Lawes Customs and Ordinances of the ffellowshippe of Merchantes Adventurers of the Realm of England, *Br. Mus. Addit. MS.* 18913, fols. 1-23. I have almost ready for the press a reprint of the *Laws and Ordinances* with other documents relating to the history of the Adventurers.

<sup>2</sup> *Laws and Ordinances*, fol. 24.

<sup>3</sup> *Ibid.* fols. 19, 29, 30, and 60.

<sup>4</sup> *I.e.* on the Continent.

where the ffellowshippe ys Resydent, present sufficient Certificate of his dew servyce within one year after the expiracion of his tearmes, upon pain of tenn poundes sterlinge, which Certificate shalbe of this manner, yf the apprentyce bee of the Cyttye of Londone, the Wardens of the Companie whereof the maister ys ffree shalbe procured, by their letters by them in subsigned to Certifye the Servyce of suche apprentyce donne dewly and truly, to which letters also the maister shall subscribe.

‘ If the apprentyce be of some other place of England, then the Certificate shall be from the Governour or Deputie or by the Mayor, Baillife, or other head officer or other Credible person of that place, together with the subscription of the maister. But yf the maister himself doe at a General Court by woord of mouthe openly signifye the dew servyce of his apprentyce, yt shalbe accepted for a sufficient Certificate, and the apprentyce shall not be bound to procure anie other, but from thence-foorth the Certificate beinge true, to bee taken and Enregistered a ffree brother of the ffellowshippe.’<sup>1</sup>

The ‘dew service’ of an apprentice from ‘some other place of England’ is not specified here, but in the absence of evidence to the contrary it is fair to suppose that the term of apprenticeship was the same. One important exception, however, to the general period of eight years is on record. In the ‘orders concerninge the Brethren at Newcastle’ occurs the following provision: ‘Neither shall anie apprentyce to bee bound for less tyme than tenn yeares service by Indenture orderly made except suche apprentyce may otherwise bee ffree of ffellowshippe by Patrimonic, upon pain of twentie poundes sterlinge.’<sup>2</sup> I am unable to account for the existence of such a rule, especially since it is so completely out of accord with an actual case from the same place in 1528. In that year the governor and two wardens of the Society at Newcastle recommended a brother, on payment of the small duties, to be admitted to the privileges of the Merchants Adventurers of England, ‘to which privileges it appears, by the tenor of

<sup>1</sup> *Laws and Ordinances*, fol. 33.

<sup>2</sup> *Ibid.* fol. 89.

their recommendations, that any merchant who had served seven years to one of the fraternity at Newcastle had a just and unquestionable claim.'<sup>1</sup>

The Fellowship at York, which was intimately associated with the general Society at an early date, granted admission by apprenticeship for seven years or merchandise for ten.<sup>2</sup> The old term of apprenticeship required by the Company at Hull was eight years; and in spite of the fact that an order in 1649 reduced it to seven, 'for that the lawes and statutes of the lande doth not require anie to be bounde for above seven years,' the eight-years term prevailed in actual practice at Hull during the seventeenth century.<sup>3</sup> In 1553 Thomas Gresham, in ascribing the decline in exchange to the inexperience of many members of the Company of Merchants Adventurers, suggests 'that in the future none should be made free of the Company, save only those who had served a regular apprenticeship of eight years. He himself had served that time, which he needed not to have done, being free by his father's copy.'<sup>4</sup>

Apart from the case of the Newcastle Adventurers, therefore, the evidence supports the tenor of the Laws and Ordinances in favour of the uniform term of eight years. The discrimination in the By-laws against the brethren at that place is not in harmony with actual practice, as appeared in the demand for admission on the basis of seven years' service. Further, the Newcastle Society claimed that they 'formerly tooke apprentices according to their owne orders, who were afterwards admitted to their freedome beyond seas without any fine to their masters or losse to their Apprentice, which continued so until the year 1654 or thereabouts.'<sup>5</sup> It is evident, therefore, that the extended term of ten years pre-

<sup>1</sup> Brand, *Newcastle*, ii. 226, quoted by Gross, *Gild Merchant*, i. 153.

<sup>2</sup> Lambert, *Two Thousand Years of Gild Life*, p. 168. The facts here quoted are taken from the summary of the documents of the Society.

<sup>3</sup> *Ibid.* p. 174. Taken from the new 'Court Book' of the Fellowship at Hull.

<sup>4</sup> Letters from Antwerp to the Duke of Northumberland, *State Papers, For.*, Edward VI., p. 265.

<sup>5</sup> *Records of the Newcastle Merchant Adventurers*, Saturday, the 16th of April, a<sup>o</sup> 1664. Surtees Society Publications, vol. ci. p. 115.

scribed by the Laws and Ordinances for the brethren at Newcastle was exceptional and due to special conditions.<sup>1</sup> The rules regarding apprentices in the By-laws are clearly meant to apply to all freemen of the Fellowship, and we are safe in concluding that eight years was the uniform term of service 'by indenture made to the Merchants Adventurers of England.'

The second mode of admission to the Fellowship was by patrimony. Gresham says he had no need to serve as an apprentice, 'being free by his father's copy,' without that. Some restrictions were exercised, however, in extending the privileges of the Society even to the sons of freemen. Thus in the passage already quoted it is carefully stipulated that the father must have been 'an absolute ffree and sworn brother' before the birth of the child. Another rule lays down the provision that in no case shall any one be admitted into the freedom by patrimony 'before he bee full twenty years of age.'<sup>2</sup> The son of a member of the Fellowship begotten by an alien woman and born abroad enjoys no right by patrimony.<sup>3</sup> Before a son of a freeman be vested in his right he must present himself at the Company's residence, and in due time repair to the Secretary or other official, with his credentials, and procure his charges.<sup>4</sup>

The third method of securing membership was by redemption, or the payment of a fine or fee. This fine would naturally be rather large, as it brought with it privileges for which many served an apprenticeship for eight years, and which no one else could obtain except by his father's right as a freeman. The fee at the beginning of the seventeenth century was two hundred pounds. But this was not all. Redemptioners on this basis had to pay 'doble Imposition to the house for the space of seaven yeares next after their

<sup>1</sup> These appear partly in the history of the relations between the general Fellowship and the Adventurers at Newcastle. The Merchant Adventurers' Society at Newcastle was not at any time entirely subservient to the Merchant Adventurers of England, in spite of the frequent efforts of the latter to force them into the position of a 'sub-post.' Cp. *Records of the Newcastle Merchant Adventurers*, Surtees Society Publications, vols. xciii. and ci.

<sup>2</sup> *Laws and Ordinances*, fol. 28.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

Admissions ; their apprentyes also, at their admissions, shall each of them pay the fourth parte of the fyne abovesaid which their maisters paid.'<sup>1</sup>

The fourth method of being admitted to the freedom of the Society was by election to a kind of honorary membership, a practice which seems to have been used quite freely.<sup>2</sup> By it persons were 'admitted or made ffree of the ffellowshippe of Merchantes Adventurers gratis.' Membership on this basis, however, did not carry with it all rights belonging to a freeman of the Fellowship in full standing. The privileges of the freedom extended only to the persons so admitted, no advantages accruing either to their sons or to their apprentices.<sup>3</sup>

The restrictions as to the persons to be admitted, which are laid down in the Charter, are reiterated in the By-laws of the Company, and a number of new ones added. 'No persone whatsoever not beinge a true subject of his kynges Majestie none Artificier, Husbandman or Handycraftsman havinge no just tyttle by Patrimonie or Apprenticeshippe, no persone of vn honest behaviour, no Bondman, Bastard, nor persone not borne of father and mother bothe Englishe, no Coosener, or other infamous persone for felonie, purjurie, or other grievous or Capitall Cryme comitted, no Bankrupt that hathe not satisfyed the Court one that behalf, shall by any Tittle Claym wyse or manner whatsoever bee received admitted or accepted into the ffreedom of the ffellowshippe nor bee reputed or held a member of the same.' And in conclusion, 'no man shalbe admitted but at a Generall Courte one this syde the Seas except by order of a Generall Court there for the good and service of the ffellowshippe the same be consented and appointed to bee donne at a Generall Court within the Cittie of Londone.'<sup>4</sup>

The ceremony of admission to membership before the General Court was solemnised by the swearing the oath to the

<sup>1</sup> *Laws and Ordinances*, fol. 25.

<sup>3</sup> *Laws and Ordinances*, fol. 26.

<sup>2</sup> See p. 25.

<sup>4</sup> *Ibid.* fol. 24.

Fellowship. Neither the oath nor an abstract of it appears in the By-laws. Nevertheless there is ample evidence that a definite formal oath existed, to which the members of the Society had to subscribe. The reports of the Privy Council of a quarrel between two factions of the Company contain the significant words, 'contrarie to their oathe.'<sup>1</sup> The statutes contain frequent references to the 'oath taken to the fellowshippe,' and a violation of it, or any part thereof, involved the severest penalties.<sup>2</sup> It is made a constant point of attack by the opponents of the Company, and the writers of the seventeenth century are particularly virulent in their accusation that the Society enforced the taking of 'all sorts of terrible and violent oaths.' Thus one writer, in answering the Company's argument that they will admit any of the King's 'natural-born Subjects of this Realm' for a small fine, says, 'This we take to be an ensnaring invitation, for that no Person can be admitted without taking their oath, which bindeth to submit to all Mulcts and Penalties (however arbitrarily laid on) and to obey all their by-laws already made, and what shall be made.'<sup>3</sup>

The copies of this oath which have come to my notice do not emanate directly from the Society, but they are all substantially the same, and I have every reason to believe that the following is authentic:—

### *The Oath*

'You swear by Almighty God to be good and true to your Sovereign Lord, the King, and to his heirs and successors; you shall be obedient and assistant to Mr. Governour or his Deputy and Assistants of Merchants Adventurers, in the parts of *Holland, Zealand, Brabant, Flanders*, and within the Town and Marshes of Calais, as also in *East-frizeland*, or any other Country or Place on this and that

<sup>1</sup> *Acts of the Privy Council* (N.S.), vol. iv. fol. 279.

<sup>2</sup> *Laws and Ordinances*, fol. 6.

<sup>3</sup> *Reasons* humbly offered to this Honorable House against the Bill for supporting the Merchants Adventurers of England in their trade to Germany, commonly called the Hamborough Company. *Brit. Mus. Pamphlets*.



side the seas, where the Company are and shall be privileged. All Statutes and Ordinances, not repealed, which have been made or shall be made by the said governour, or his deputy and Fellowship, you shall to your best knowledge truly hold and keep, having no singular regard to yourself in hurt and prejudice of the Common-weal of the said Fellowship ; or else being condemned and orderly demanded, shall truly from time to time, content and pay unto the Treasurers for the time being, all and every such mulcts and penalties which have or shall be limited, and set for the transgressors and offenders of the same ; the Secrets and Privities of the aforesaid Fellowship you shall heal and not bewray. And if you shall know any manner of Person or Persons, which intend any hurt, harm or prejudice to our Sovereign Lord the King, or unto his Lands or to the Fellowship aforesaid, or Privileges of the same, you shall give knowledge thereof, and do it to be known to the said Governour or his Deputy : and you shall not colour or free any Foreigners' Goods which is not Free of this Fellowship of Merchants Adventurers of England.'<sup>1</sup>

## 2. *Degrees of Freedom*

Admission to membership did not immediately bring with it all the privileges of the Fellowship. There were degrees of freedom, with different privileges attached to each.<sup>2</sup> This appears frequently in the history of the Society, the special standing of the members who obtained the freedom 'gratis' being a case in point. The Charter provision conferring upon the Fellowship the power to establish different conditions of freedom gives authority 'to admit . . . in such manner and form and with such conditions and diversity in Freedome as by them shall be thought from time to time most expedient.'<sup>3</sup>

<sup>1</sup> *Brit. Mus. Miscellaneous Tracts*, T. 100. Compare also *Cotton MS.*, Nero, B. viii., entitled 'The replication of the Governours of the Merchants Adventurers to the answers of Wm. and Geo. Bond, and John Foxall, and those partners trading to Narve ; with the oath of the said freeman annexed.'

<sup>2</sup> *Laws and Ordinances*, fol. 23 *et passim*.

<sup>3</sup> *State Papers, Dom.*, Charles II., vol. xxvii. fol. 49.

The most important results arising from the diversity of freedom, and consequent differences in the privileges of the freemen of the Company, pertain to trade and to the taking of apprentices. In general, the rules apply equitably to all, the privileges being graded in accordance with the length of time the member has been free of the Fellowship. Thus, during the first seven years of membership, the freeman is entitled to have only one apprentice 'to be free of the ffellowshippe at one time ; during the period from the seventh to the twentieth year to two, and after that to three.'<sup>1</sup> The stint of shipping increases steadily with each additional number of years of freedom, thus, 'a freeman, the first, second and third year, after he ys absolutely ffree certifyed and enregistered, may shippe out everie of the said yeares the number or quantitie of ffour hundred clothes in all, . . . the fourth year he may shippe 450 clothes or the quantitie thereof in all sortes of Englishe woolens Commodities, . . . the fifth year he may shippe 500 clothes to be reconed as aforesaid, . . .' and so on till the limit of 1000 cloths is reached in the fifteenth year.<sup>2</sup>

One important exception, however, to this adjustment of privileges in accordance with the length of time of membership must be noted. It rests on an entirely different basis. From the Acts of the Privy Council of the year 1553 it appears that the *Old* and the *New Hanse* of the Fellowship had come before the Council with a dispute. The entry declares that the *New Hanse* had 'contrary to their oathe and dutie gon about disorderly to stirre striffe and contention and as much as in them lyeth to subvert the long continued privileges, etc.'<sup>3</sup> What does this division of members into *Old* and *New Hanse* signify? What was its origin and object? The Council ordered that those of the *New Hanse* should submit themselves 'to suche orders and sorte of punishment

<sup>1</sup> *Laws and Ordinances*, fol. 23.

<sup>2</sup> *Ibid.* fol. 51 ff. 'No person whatsoever whoe synce Easter 1581 hath beene admitted or hereafter shalbe admitted gratis into this ffellowshippe shall shippe out anie clothe upon the ffree licence, or upon any purchased licence.'  
*Ibid.* fol. 56.

<sup>3</sup> *Acts of the Privy Council* (N.S.), vol. iv. p. 279.

by penalties or otherwyse, as shold by the governour, assistants, and residence of the *Old Hanse* be thought agreeable to theyre fault and contempt.’<sup>1</sup> In the chapter on ‘Admissions into the ffellowshippe,’ in the Laws and Ordinances, occurs this significant paragraph: ‘Everie persone Admitted into the ffreedome of the ffellowshippe of Merchants Adventurers of the Realm of England, shall pay at suche his admission yf he come in one the Old Hanse as yt ys termed, 6s. 8d. sterlinge, and yf he come in one the New Hanse tenn markes sterlinge.’<sup>2</sup> What is the basis for this discrepancy in the amounts of the fines for admission to the freedom, and why are they called ‘the Old’ and ‘the New Hanse’? The fine of ten marks for the New Hanse corresponds to the entrance fine established by the Act of 12 Henry VII. c. 6. Does it mean that the statute in 1497, forcing the Fellowship to decrease its fines, laid the basis for a distinction between the members of the Society?

Fortunately there is among the Harleian manuscripts of the British Museum a document which leaves no room for doubt on this point. According to this document Edward VI in 1552 confirmed the privileges of the Merchant Adventurers of England, and ‘by letter from his Highness Privy Council’ gave them authority to punish offenders against their liberties, and ‘as often as occasion shall serve to put their articles and ordinances into execution, etc.’ Then follows an account of the interesting dispute alluded to in the Acts of the Privy Council. It reads, ‘In the reigne also of King Edward VI, John Tulle and sundry his adherents, being admitted into the freedom of the sayd anciente merchants for tenn markes by article or statute made in the 12th yeare of King Henry VII, not only disturbed the said anciente merchants in their trade: but also upon sundry slanderous and untrue suggestions complained to the Bishop of the Ely, then Lord Chancellor of England, requesting that their children and apprentices should be made free for the like some, as the children of the anciente merchants and their

<sup>1</sup> *Brit. Mus. Harl. MS.* 597.

<sup>2</sup> *Laws and Ordinances*, fol. 24.

apprentices paid, and that said merchants who before making of the said article of Henry VII had defrayed for obtaining of privileges, for continuinge of trade in good order, for charges of ambassadors, treatinge the governours and being at sundry diets and colloquies for defence thereof, etc.’<sup>1</sup>

This establishes the fact that the distinction in the membership known as the Old and the New Hanse was based on the Act of 1497. The Act provided for admission into the Fellowship on the payment of ‘tenn marks’ instead of forty pounds sterling, which the Company had been exacting.

It would be interesting to know in what the particular advantages of membership in the Old Hanse consisted. According to the account of the dispute quoted above, those free of the *Old Hanse* enjoyed special privileges, from which members of the *New Hanse* were debarred. The materials at command throw no further light on the subject. The distinction in favour of the former cannot have been very unfair, if we may accept the decision of the Council as unprejudiced, for that body ‘ordered and decreed that the Complainants should submit to the ordinances of the Company.’

### 3. *Character of the Membership*

These are the abstract provisions governing admissions to the freedom of the Fellowship, and as such they are essential to a thorough understanding of the character of the Society. On the other hand, the activities and work of the Fellowship, as an aggressive and powerful factor in laying the foundation

<sup>1</sup> *Brit. Mus. Harl. MS.* 597. It is altogether likely that this is the distinction referred to in the By-laws, which provides that an apprentice who for a legitimate reason cannot serve his master the full term ‘bee set over to some other brother of the fellowship free of the same hanse, that his master was free of’ (*Laws and Ordinances*, fol. 30). The word *hanse* is, however, used in a variety of meanings in the documents. That occurring most frequently is its use in the sense of fine or fee, as for example, ‘it is found that the fellowship is very much prejudiced through the negligent collection of Broakes, *Hanses*, and Fines.’ (*Ibid.* fol. 18.) Another is that of ‘sub-post’ or local Fellowship. Thus the Merchants Adventurers of Newcastle complain against the establishing of a *New Hanse*, meaning the ‘sub-post’ which the General Court of the Merchants Adventurers of England had caused to be established at Newcastle. *Records of the Merchants Adventurers of Newcastle*, December 5, 1663, *et passim* (Surtees Society), ci. 101–103.

of the commercial supremacy of England can hardly be appreciated without closer acquaintance with the persons making up its membership.

The Adventurers were the capitalists of the sixteenth and seventeenth centuries. They were an aristocratic fraternity of traders who lived by the profits of commerce, and passed their goods on to the middleman to be sold. 'No persone of this ffellowshippe,' says an ordinance, 'dwellinge within the Cittye of Londone, and usinge or exercisyng by himself or by or with anie other in Companie the ffeat and Trade of a Merchant Adventurer into the Lowe Countries or Germanie, or other Privileged place one thys syde the Seas, shall by anie means sell or cause to bee sold for him by retayle or Cuttinge out anie Kynde of merchandise, nor shall keepe open shoppe or shewhouse upon pain of three skore pounds.'<sup>1</sup> This ordinance was modified in the interests of those of the Fellowship who resided in the smaller towns and ports of the kingdom,<sup>2</sup> but in general the spirit of the rule governing the London members applied to all, and only merchant traders and superior shopkeepers belonged to the Society.<sup>3</sup>

In 1601 John Wheeler, the Secretary of the Company, wrote, 'The Company of Merchants Adventurers consisteth of a great number of wealthie and well experimented Merchants dwelling in the diverse great Cities, Maritime Townes, and other parts of the Realme, to wit, London, Yorke, Norwich, Exceter, Ipswich, Newcastle, Hull, etc. These men of olde time linked and bound themselves together in Companie for the exercise of Merchandise and sea-fare, trading in Cloth, Kersie, and all other as well English as

<sup>1</sup> *Laws and Ordinances*, fol. 81. See also Rymer, *Fœdera*, xix. 584.

<sup>2</sup> For the character of the regulations to restrict the membership to certain classes, a proclamation by Charles II., April 8, 1663, is of interest. Cf. *State Papers, Dom.*, Chas. II., Proc. Coll., pp. 141-3.

<sup>3</sup> In the Royal Ordinance regulating the Company in 1634 it is expressly provided that no shopkeeper, unless he gives up his shop, can be admitted. The provision reads: 'Also the Merchant Adventurers are to admit into the freedom of the said trade all such of the king's subjects dwelling in London, and exercised in the profession of merchandise and not shopkeepers, as shall desire the same, for the fine of 50 pounds apiece,' etc. Proclamation, December 7, 1634.

forreigne Commodities vendible abroad, by the which they brought unto the places where they traded much wealth, benefite, and commodite.’<sup>1</sup>

MacPherson considers that the Company of Merchant Adventurers at this time included more than one half of all the wealthy traders of London, York, Ipswich, Norwich, Exeter, Newcastle, Hull, and other chief commercial centres,<sup>2</sup> and, in 1617, ‘almost all who traded in the woollen manufacture to Germany and the Netherlands.’ Speaking more definitely of the number, Wheeler says: ‘They are not so fewe as 3500 persons in number, enhabiting London and sundry Cities and partes of the realme, especially the townes that lye conveniently for the seas.’<sup>3</sup> In 1587 the Hanse, with others of the Empire, declared that the Merchant Adventurers settle in ‘heape’ in Germany, first at Emden, afterwards in other places, and now at Stade dealing in cloth and other commodities. ‘They have erected among themselves a several society, staple college, and confederacy strongly banded together, wherein against our and the Empire’s lawe and order, as also against other merchants, all manner of monopolice forbidden wares very hurtful to the common profit of the Holy Empire such alteration is made and hereby cloth and the other commodities is at their pleasure risen as high again as in the days when the Hanse merchants enjoyed the privileges.’<sup>4</sup> This is, of course, special pleading, but it reveals the strength of the organisation, when so powerful a body as the Hanseatic League is compelled to resort to such measures.

The four thousand<sup>5</sup> members of the Fellowship at the opening of the seventeenth century represented the most energetic English trading merchants. Participation in foreign trade always calls out the active and progressive element of the nation; it involves larger capital, greater risks,

<sup>1</sup> Wheeler, *Treatise of Commerce*, p. 19. Cf. Gross, *Gild Merchant*, i. 151.

<sup>2</sup> MacPherson, *Annals of Commerce*, ii. 220, 286. In No. 162 of the *Lansd. MSS.*, the date of which I cannot place, are found some interesting comparative statements in this connection.

<sup>3</sup> Wheeler, *Treatise of Commerce*, p. 57.

<sup>4</sup> Imperial Mandate, *Brit. Mus. Lansd. MSS.* 139.

<sup>5</sup> MacPherson, *Annals of Commerce*, ii. 286.

and above all, the breaking away from the stay-at-home conservatism which so often marks the domestic trader. Besides, the English gentry entered the field of foreign commerce at a much earlier period than did the corresponding class on the Continent, and as a result many wealthy and influential families early became directly interested in the development of trade.<sup>1</sup> It offered a profitable and attractive field for the ambition of the members of noble families who were debarred from a public career by the law of primogeniture; a pamphlet of the seventeenth century brings forward as one of the reasons for supporting the Merchants Adventurers that 'the Younger Sons of the Gentry may be employed in this trade.'<sup>2</sup> Among the merchants to whom Elizabeth granted the Charter in 1564 were a number of knights, and many others of good family.<sup>3</sup>

There is, therefore, every reason to believe that the secretary's statement, that they were 'wealthie and well experimented Merchants,' applies to all or nearly all of the Society. Some of the members were very wealthy; private business undertakings of the most extensive proportions occurred constantly, and for its regular trade the Company found it necessary to adopt measures to prevent engrossing, a circumstance which gave rise to the famous 'stint' of the Fellowship.<sup>4</sup> On one occasion Thomas Gresham alone shipped 4,500 western kersies of the best sort, which sold with a great profit to the

<sup>1</sup> R. Pauli, *Aufsätze zur englischen Geschichte*, p. 274.

<sup>2</sup> Pamphlet, Brit. Mus., 'Reasons humbly offered for supporting the Company of Merchants Adventurers of England in their Trade to Germany.'

<sup>3</sup> *State Papers, Dom.*, Charles II., vol. xxvii. fol. 43.

<sup>4</sup> The members of the Society were independent in their trading, and therefore 'radically different from the joint-stock companies of Elizabeth.' 'The Companie of MM. Adventurers,' says Wheeler, 'hath no banke nor common stocke, nor common Factour to buye or sell for the whole Companie, but everie man tradeth a-part and particularlie with his own stocke, and with his owne Factour, or servaunt.' Wheeler, *Treatise of Commerce*, p. 102. Also *Brit. Mus. Addit. MS.* 28079, f. 63, 'This trade is not by joint-stock, but every merchant trades with his own proper estate upon his own accompt and risque.' To prevent the wealthy from securing all the trade, the Company set a limit to the number of cloths to be exported by each member, which varied according to his standing in the Fellowship. This is spoken of as the 'stint.' Cp. *Br. Mus. Addit. MS.* 18913, fol. 51 ff.

Italians at Antwerp.<sup>1</sup> About the same time, 1560, Guicciardini wrote: 'It is marvellous to think of the vast quantity of drapery imported by the English into the Netherlands,<sup>2</sup> being undoubtedly, one year with another, above 200,000 pieces of all kinds, which, at the most moderate rate of 25 crowns per piece, is 5,000,000 crowns; so that these and other merchandise brought to us by the English, and carried from us to them, may make the annual amount to be more than 12,000,000 crowns—about 2,400,000 pounds sterling.'<sup>3</sup> This is doubtless an extravagant estimate. Wheeler says the annual export from England by the Merchant Adventurers in 1608 amounted to 1,000,000 pounds.<sup>4</sup> From the Customs returns at Antwerp for 1497–98 Schanz computes the number of English cloths brought to that place by the Adventurers at 22,013,<sup>5</sup> that is, one-third of the entire export trade in cloth.

Evidence of the extensive trade of the Society and of the wealth and influence of its members might be multiplied. At the accession of Henry VII. they were already sufficiently powerful successfully to refuse to pay the increased Customs duties.<sup>6</sup> In 1515 they established an Exchange of their own at Antwerp, which they maintained for many years.<sup>7</sup> Hakluyt speaks of the ships fitted out by the Governor of the Mystery and Company of the Merchant Adventurers 'for the discoveries of Cathay and divers other regions, dominions, islands, and places unknown.'<sup>8</sup> The State papers of Elizabeth's reign are replete with the accounts of their financial operations, undertaken sometimes on their own behalf, sometimes in the interests of the Queen. Indeed it is no exaggeration to say

<sup>1</sup> *Brit. Mus. Cott. MSS.* Galba. B. xii. fol. 264.

<sup>2</sup> It need scarcely be mentioned that the Adventurers held a virtual monopoly of this trade.

<sup>3</sup> MacPherson, *Annals of Commerce*, ii. 127–128.

<sup>4</sup> Wheeler, *Treatise of Commerce*, p. 21.

<sup>5</sup> Schanz, *Englische Handelspolitik*, vol. i. 11 and 12, notes 1 and 4. Compare also Pauli, *Drei Volkswirtschaftliche Denkschriften*, p. 66.

<sup>6</sup> Campbell, *Materials for a History of Henry VII.* (Rolls Series), i. 273.

<sup>7</sup> Henne, *Règne de Charles-Quint en Belgique*, v. 319.

<sup>8</sup> Hakluyt, *The Principal Navigations, Voyages, Traffiques, and Discoveries of the English Nation*, iii. 29.



that during Gresham's first sojourn on the Continent they practically financed the Crown.<sup>1</sup> In 1587 some of their members were instrumental in delaying the payment of the Spanish bills drawn on the bank of Genoa, and by still further turning the mercantile credit against Spain in the marts of the Netherlands the Adventurers delayed the Armada for a year.<sup>2</sup> In the same year '110 ships now held in readiness by the Merchants Adventurers' were ordered to proceed with the others to watch the Duke of Parma off Holland.<sup>3</sup> During the Civil War, when both Houses had voted that 'the Treasurer secure 30,000 pounds at once for the Scotch army in Ireland at Carrickfergus, the Committee at Goldsmiths' Hall recommended that they request Christopher Packe and Company, and Row Lowther & Co., Merchants Adventurers, to advance so good and necessary a service to the kingdoms. This they agreed to do. . . . Int. at 8%.'<sup>4</sup>

The great importance of their work leads us to look for the members of the Society among the leading men of the nation, an inference which the direct evidence at our command tends entirely to establish. The persons who guided its policy and managed its affairs were generally of recognised ability both as merchants and as statesmen. In the list of Governors of the Company<sup>5</sup> the names of William Caxton and Sir Thomas Gresham are conspicuous, but others, though not so well known, exercised an almost equal influence on the commercial and industrial policy of England. They are constantly before the king and the Council, giving expert testimony on matters of trade and foreign policy. Thus Mr. Hussey, Governor of the Fellowship, is summoned by the

<sup>1</sup> Burgon, *Life of Sir Thomas Gresham*, i. 349, Letter from the Queen to Gresham. In 1553 the Adventurers and Staplers took charge of the king's debt. *Acts of the Privy Council* (N.S.), vi. 267. Cf. also *Calendar of State Papers, Dom.*, Add. 1547-1563, p. 541 *et passim*, for facts connected with their extensive trade.

<sup>2</sup> MacPherson, *Annals of Commerce*, ii. 286.

<sup>3</sup> *Acts of the Privy Council* (N.S.), xvi. 210.

<sup>4</sup> *Brit. Mus. Addit. MS.* 5501, fol. 50.

<sup>5</sup> There is no official list known, but I have succeeded in getting together the names of over thirty of the Governors of the Fellowship and those of many of the Deputies, Secretaries, etc.

Council to bring various merchants to a consultation regarding the best port of shipment in Flanders.<sup>1</sup>

Sir Christopher Packe (Adventurer), mentioned above in connection with a loan of thirty thousand pounds to Parliament for the Scotch army, was a member of Parliament for London, had been Lord Mayor of the City in 1655, and was for a time Governor of the Fellowship of Merchant Adventurers of England. It is, moreover, a strange comment on the lack of interest in the commercial side of the great Civil War that no one has as yet drawn attention to the fact that the effort to induce the Protector to accept the kingship came directly from the leaders of this great commercial organisation, whose support had been of such vital importance for the success of the Parliamentary cause. The famous Remonstrance of 1656 was introduced by none other than the Governor of the Merchant Adventurers, Sir Christopher Packe. Secretary Thurloe writes to H. Cromwell, Major-General of the army in Ireland.

‘My Lord,—I must in the first place begge your lordship’s pardon for not writtinge to you by the last post. The engagements, which were upon me at that tyme, were soe many, and my health soe ill, that I was not able to performe my duty in that respect, neither, indeed, had I any thinge materiall to trouble your lordship with. Since that wee are fallen upon a very great debate in parlament. Yesterday there was brought into the house by Sir Christopher Packe, who serves for the citty of London, an address or remonstrance to his highnes of very great consequence. It is to desire hym to take upon hym the crowne of these nations, and alsoe to name the persone, who shall be his next successor; as alsoe to call for the future parlaments consistinge of two houses, which they desire his highnes to doe of such persons as have not been of the late kinge’s partye, but are men feareinge God and of good conversation. Many other things concerning the libertye of the nation is asserted, and full libertye of conscience is also contayned in it. The

<sup>1</sup> *Acts of the Privy Council* (N.S.), vi. 248, vii. 291; and *State Papers Interreg.*, 77, p. 192.

great man and some other considerable officers are against it. . . .'<sup>1</sup>

In the light of such examples we may safely conclude that the Adventurers very frequently exercised a determining influence not only on the commercial and industrial policy of the Government, but upon its political actions also. The representative of the king in the Low Countries was always very intimately associated with the Society, if indeed he was not actually its Governor, as was the case with Gresham, Vaughan, Hutton, and others. A letter to Cromwell of September 5, 1538, from John Over and William Clay, Adventurers, announcing the death of John Hutton, speaks of him as 'the King's ambassador and our Governor.'<sup>2</sup> Fifty years later the following letter from the Council, 'To the Governour and Society of Merchants Adventurers of England,' asks them to 'accepte Richard Marlyne into the Fellowshipe of that Company, as well for the better advancement of his Majestie's service in the Lowe Countries, wherein he is to be imployed presentlie, as for the good credit and countenance of that Company by the admitting of him to it.'<sup>3</sup> Ambassadors and agents who were not already free of the Fellowship were usually presented with the freedom of the Society,<sup>4</sup> and not infrequently resided at the English House during the first months of their stay in those parts.<sup>5</sup>

It is clear, therefore, that the standard of membership in the Fellowship was very high. Debarred from being shopkeepers, merchants securing the freedom had of necessity to become wholesale dealers on a scale that demanded considerable capital. Only the most successful of the members of the Mercers' and Drapers' Companies could enter the ranks

<sup>1</sup> Thurloe, *State Papers*, vi. 74. In a letter to the Dutch Ambassador we learn more of this. Packe, he says, had been Lord Mayor in 1655. *Ibid.* vi. 84.

<sup>2</sup> *Cal. of State Papers*, Henry VIII., vol. xiii., pt. 2, p. 115.

<sup>3</sup> *Acts of the Privy Council* (N.S.), x. 224.

<sup>4</sup> A list of the Fellowship containing the names of sixty or more such persons, with the dates of admission, came to my notice. *Brit. Mus. Addit. MS.* 28079, fols. 59-61.

<sup>5</sup> In 1689 Sir Paul Rycaut writes, 'After twelve weeks' lodging in the English Hous to my great inconvenience, I am now come to be settled in that Hous which formerly belonged to Sir Peter Wych.' *State Papers, For. Hamburg* No. 8.

of the Merchant Adventurers, and it is only when we remember that these two companies regarded themselves as the foremost of the Livery Companies that we get an adequate conception of the membership of the Merchant Adventurers. The presence of the gentry, the younger sons of the nobility, is another conspicuous sign, while the intimate connection of many of the members with the political and international affairs of the State proves the membership to have been of a high order and representative of the most active and progressive class in the nation.

### III.—ORGANISATION AND GOVERNMENT

In taking up the discussion of the form of government of the Merchant Adventurers it should be borne in mind that the Society, although active and important far down into modern times, is at bottom essentially mediæval in character. It is the old merchant gild modified and adapted to foreign trade, and the permanent or temporary residence of most of its members beyond seas. The form of organisation among the members of the Fellowship, as it appears in the sixteenth century, is the outgrowth of the early life of the Society, and shows every indication of having resulted from the needs and conditions of trade with which English merchants abroad had to deal. Hence it is important to remember constantly that the individual members are the English merchants described in the last chapter, trading and residing for certain periods of the year in 'parts beyond the seas'—'*die Englische Natie*,'<sup>1</sup> as they were frequently called on the Continent.

#### 1. *Name*

The official name during the period we are discussing, according to the Charter of 1564, is the *Governour Assistants and Fellowship of Merchants Adventurers of England*. The clause incorporating and naming the Society reads: 'We therefore . . . doe by these presents for us our heirs and successors will

<sup>1</sup> Compare the volume in the Antwerp Municipal Archives called *Englische Natie*.

ordain and grant that the Fellowship or Company of the said Merchants Adventurers . . . shall be from henceforth by force and authority of these presents, made, ordained, incorporated, united and established one perpetual fellowship commonalty and Body Politick and Corporate in Name and in deed and shall have perpetual succession and continuance forever and shall be named called knowne and incorporated by the name of Governour Assistants and Fellowship of Merchants Adventurers of England.’<sup>1</sup>

## 2. *The General Court*

The principal lines for the government are laid down in the Charters of 1564 and 1568. The latitude of freedom allowed the Fellowship in respect to the form of its organisation is quite limited, though it must be remembered that the form prescribed by the Crown is in all probability that asked for and already in existence among the Adventurers.

In all the Patents and Charters granted by the Crown, the first and most important provision is that giving the Merchants beyond the seas a legal right to meet in assemblies. Thus in the Patent of 1405 by Henry IV., ‘*Voluimus et tenore præsentium concedimus eisdem mercatoribus quod ipsi quotiens et quando eis placuerit . . . se congregare et venire . . . et certas personas sufficientes et idoneas in gubernatores suos in eisdem partibus inter se ad eorum libitum eligere et obtinere.*’<sup>2</sup> The assembly of members thus met constituted the General Court of the Fellowship. It met at the call of the Governor, or Deputy, who also presided. Many matters connected with the government of the Society, such as the admission and expulsion of freemen, &c., had to be done in a General Court. It elected the Governor and Assistants,<sup>3</sup> discussed the more weighty matters<sup>4</sup> of the Fellowship, and decided on the question

<sup>1</sup> *State Papers, Dom.*, Charles II., vol. xxvii. fol. 43.    <sup>2</sup> Pat. 5 Hen. IV., Pt. 2, M. 17.

<sup>3</sup> *Laws and Ordinances*, fol. 2.

<sup>4</sup> In the correspondence with the Newcastle Adventurers the letters regarding the relations of that Society to the general Fellowship always emanated from a ‘General Court.’ Cf. *Records of the Merchants Adventurers of Newcastle*, Surtees

of the setting up of local Courts outside the mart towns. Upon a more detailed discussion of the functions of the General Court I am unable to venture at present, chiefly because of the fragmentary nature of the historic material on this phase of the subject. Theoretically, the government was left almost entirely in the hands of the Court of Assistants ; but as the tenure of office of the Governor was only one year, and that of the Assistants even less, it is not likely that they did much more than register the will of the General Court.

In the absence of the Governor or Deputy the Secretary or Treasurer assembled the Fellowship. Attendance at Court was compulsory. Members were fined for being late or for leaving before the Court rose. Prayer opened and closed the deliberations, and reading of the minutes was always a part of the order of business, while the omission of the reading of one or two ordinances, 'except the Court for good cause or let to the contrarie' decided, involved the imposition of a fine on the presiding officer.<sup>1</sup> Apprentices had 'no voice nor hand in court, neither were they allowed to gitt out of their forms or place, for them appointed.' An apprentice might, however, if he had 'occasion to deliver his mynde, speake or make anie sewte or motion to the Court, to present himself and Come forth of his place before the Court with dew Reverence and so to speak.'<sup>2</sup> Interrupting or prompting was prohibited, and silence enjoined 'under pain of 6*d*. fflemishe.' He whose cause was handled had to avoid the Court for the time, as also his brother, father, factor, or servant. Freemen alone had the right to vote, and when an act was once passed, reconsideration except upon petition was forbidden. To speak of matters of the Court to others who were not members was strictly prohibited, and secrecy was enforced by severe fines.

One might expect that the natural function of the General

Society, ii. 6 *et passim*. One of the letters here referred to contains the significant passage, 'Your letter of February 22, in answer of ours of August 17 last, we have received, and was *published at a general court here lately holden*.' All of the orders of the Fellowship that I have come across were issued by the General Court.

<sup>1</sup> *Laws and Ordinances*, fol. 14.

<sup>2</sup> *Ibid.* fol. 11.

Court would have been to make the laws and rules for its own government. Such was far from being the case, however. An assembly with such function would imply a degree of democratic self-government considerably in advance of the Tudor period. Besides, the General Assembly or 'General Court,' as it was called, would have been altogether too large and unwieldy for efficient rule and government. That work was therefore entrusted to a select body of the freemen chosen by the Fellowship in General Court.

### 3. *The Governing Body*

This Governing Body consisted of the Governor and twenty-four Assistants. 'Accordinge to the Ancient Cus-tome, there shalbe yearly chosen by the Brethren of the ffellowshippe of Merchantes Adventurers of the Realm of England, or the most part of them one this syde the Seas,<sup>1</sup> lawfully and accordinge to the Privileges of the said ffellowshippe orderly Assembled, one Governour of all the said ffellowshippe, which Governour or his deputie or deputies and ffour and twentye Assystents or the greatest part of them to bee chosen martly<sup>2</sup> or as occasion shall serve from tyme to tyme by the brethern of the said ffellowshippe or by the most parte of them on this syde the Seas, shall duringe the said ffellowshippes pleasure or martly have ffull power and Authoritie (so ffarre as the Priuileges and ordres will per-mitte) in all thinges lawfully to governe and rule the fore-said ffellowshippe, accordinge to the Lawes Statutes Actes and Ordinances of the same made or to bee made,' etc.<sup>3</sup>

In the Charters the Governor, instead of being elected, is sometimes appointed by the Crown, as, for example, in 1462. But even in this case the appointment is manifestly merely carrying out the wish of the Fellowship, and not a denial of their right. For only a few months after being thus appointed William Overy (Obray) was discharged 'from the rome of governor' for having received from the 'lordes of that

<sup>1</sup> Cf. p. 7, n. 4.

<sup>2</sup> By 'martly' is meant the time of the *marts* or days of sale of merchandise. These occurred four times a year in the mart town, and were known as the *Pasche*, *Sinxon*, *Balms*, and *Cold marts*.

<sup>3</sup> *Laws and Ordinances*, fol. 2.

towne' (Antwerp) '58 li. Flemin to be frendely unto that thair townne.'<sup>1</sup> According to this Charter the Governor was 'to govern and rule either himself or by lieutenants or deputies all our aforesaid subjects in those parts;' to keep and cause to be kept the office of Governor; to take knowledge and administration of causes and quarrels; to act as peacemaker and reformer; to summon and hold in the King's name Courts and assemblies, and appoint a variety of minor officers, such as weighers, alnagers, correctors, etc. Twelve justices were chosen by the Merchants to advise him, and to supervise the making and revising of the laws.<sup>2</sup>

In the first Charter of Elizabeth this strong executive is maintained. The Governor, John Marth, is appointed, but he holds office at the pleasure of the Company—in the words of the Charter, 'until such time as the Fellowship of the Merchants Adventurers of England shall elect and choose any other of the said Fellowship or corporation to be Governor of the same.'<sup>3</sup> The same is true of the twenty-four assistants, who are to assist and advise the Governor to the best of their ability, and 'according to oath shalbe indifferent and equal between all manner of parties.'<sup>4</sup> The Governor, Deputies, and Assistants are thenceforth to be elected by the Fellowship assembled in the place of residence abroad. They hold office entirely at the will of the Society, and may be removed at its pleasure. The Patent of 1586, speaking of the Assistants, after describing the nature of the term of the Governor and his Deputies, says: 'The said four and twenty assistants shall continue in the said office place Roome and Stead of Assistants til such time as by the said Fellowship of the Merchants Adventurers of England so resident they shall be amoved, put out etc. . . .'<sup>5</sup>

<sup>1</sup> *Brit. Mus. Sloane MSS.* 2103, fol. 5, printed by Schanz, *Englische Handelspolitik*, ii. 574.

<sup>2</sup> A large charter granted by King Edward IV. in the second year of his reign to the merchants of England resident especially in the Netherlands, etc. Hakluyt, *The Principal Navigations, Voyages, Traffiques, and Discoveries*, i. 208.

<sup>3</sup> *State Papers, Dom.*, Charles II., vol. xxvii. fol. 45.

<sup>4</sup> *Laws and Ordinances*, fol. 4.

<sup>5</sup> *State Papers, Dom.*, Charles II., vol. xxvii. fol. 76.



In other words, the officers of the government of the Fellowship were elected directly by its members, and were directly responsible to it for their acts, being subject to removal from office, so far as the Charters are concerned, at any time.<sup>1</sup>

The 'pleasure of the Fellowship,' as expressed in the by-laws, was that 'accordinge to the ancient Custome, there shalbe yearly chosen . . . one governour of all the said ffellowshippe,' while the Deputies and Assistants are 'to bee chosen martly or as occassion shall serve from tyme to tyme.'<sup>2</sup>

All freemen of the Fellowship were eligible for office, except such persons as were debarred by their own acts. Thus 'no Bankrupt or other Infamous persone or iustly attainted or suspected of anie notorious cryme shall be chosen to anie office of the government in Court, or shalbe Assistant or Associate in this ffellowshippe.'<sup>3</sup> Persons chosen to office had to serve, on pain of fines and penalties varying according to the offence,<sup>4</sup> the fine for refusing to serve as Treasurer, for example, being 50*l.*, rather a heavy penalty, considering the fact that the salary of the Deputy Governor, even in the seventeenth century, was only 400*l.*<sup>5</sup>

<sup>1</sup> There are numerous instances during the history of the Fellowship where the Crown interfered—sometimes successfully, more frequently not. In the Acts of the Privy Council occurs the following: 'Letters to the Englishe Merchants at Barowe in Flanders; they beinge divers tymes commanded by the letters of my Lord Protector's Grace and Counsell to keep themselves together at Barowe and not resorte to Antwerpe it was credibly informed that contrary to their Lordshipe's commandement, they did resorte daylie to Antwerpe, and that lately through the malitiose and rashe persasion of some fewe they intended to proceed to the election of the new Governoure and Secretary of their Fellowshippe; they were therefore in his Majestie's name willed to keep themselves together at Barowe and not to resort to Antwerpe nor yet proceed any further in that their malytious purpose of dysposing their Governor and Sec. as they will answer for the contrary.' *Acts of the Privy Council* (N.S.), i. 556.

<sup>2</sup> *Laws and Ordinances*, fol. 2.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.* fol. 4.

<sup>5</sup> *State Papers, Dom.*, Charles II., vol. xvii. fol. 71. 'Joseph Avery. By service to the late King as Resident in Denmark, Sweden, and Germany, for twenty years, during which time he chiefly defrayed his own expenses, he lost an estate of 8,000 pounds, and was removed for his loyalty from his post as Deputy-Governor of the Merchants Adventurers Company at Hamburg, with 400 pounds a year,' etc.

The manner of election is interesting. An account is preserved in a remonstrance on the part of the disaffected party at Hamburg, recorded in Thurloe, under date of 1655. The extract reads, 'That it is in the breast of the Company orderly assembled, without declaring their reasons any other way than by erection of hands, to make choice of a martly deputy, or for what other term or continuance they shall find convenient, is that, which hath the warrant of their Charters, the direction of their orders, and hath been a constant and frequent practice of their Company in this and other residences.'<sup>1</sup>

The Governor or his Deputy is bound under oath to 'supporte and maintain the ffellowshippe of Merchants Adventurers' to the best of his ability. It devolves upon him to execute the statutes and ordinances, and to punish offenders. In no case, however, may he presume by his own authority to introduce any new customs or laws. Neither is he permitted to enter suit in the name of the Fellowship, or in any way bind the Society without the advice and consent of the Assistants. Only duties of an executive character belonged exclusively to his office, and these, although very extensive, were carefully defined.

The real government of the Society was vested in the Court of Assistants, consisting of the Governor or his Deputy and the twenty-four Assistants. They possessed full 'jurisdiction, power and authority, lawfully to rule and govern (So ffarre as the Priviliges and orders will permit) the ffellowshippe and every member thereof in all their private causes in those parts either amongst themselves or with strangers.'<sup>2</sup> They were empowered to commit any member or members to gaol without bail for offences, done or to be done, against the commonwealth of the said Fellowship, for violation of the laws, for non-appearance at Court, etc., to administer punishment by fines, according to the quality of the offence,

<sup>1</sup> Thurloe, *State Papers*, vol. ii. p. 119.

<sup>2</sup> *State Papers, Dom.*, Charles II., vol. xxvii. fol. 51. The name 'Court of Assistants' is used in the *Laws and Ordinances*, fol. 30.

and to 'levye upon the persons and goodes as well of Brethern of the ffellowshippe as of other Englishe subjects hauntinge or usinge the Trade of a Merchant Adventurer in the places or countries where the ffellowshippe ys privileged.'<sup>1</sup> The different servants of the Fellowship, such as porters, weighers, alnagers, brokers, men for the Customs, and officers to collect fines and impositions, both in England and the Continent, were all appointed by the Governor and Assistants.

Far more important, however, than any of the powers just mentioned, and entirely different in character, was the right vested in the Governor and Assistants, or 'the more part of them,' to make laws for the government of the Society. This is so extensive that the Charter provisions must be given in full. 'And moreover we greatly minding that the discreet honest and decent government heretofore used, . . . should be kept, . . . do grant to the said Governor, Assistants and Fellowship of Merchants Adventurers of England and to their successors that the said Governor or his Deputy or Deputies or the said Assistants or their successors for the time being or thirteen of them which shall be resiant as is aforesaid, from tyme to tyme and at all tymes from henceforth shall and may exact establish allow and confirm and also revoke disanull and repeale all and every Act and Acts, Law and Ordinance heretofore had or made by the said Governor or Deputy and Assistants of the said Fellowship of Merchants Adventurers lately trading to the said countrees of Holland, Brabant, Zeeland, Friesland, East-Friesland, West-Friesland, Hamburg and the territories of the same or in any of them and in such part of the same where the said Fellowship of Merchants Adventurers of England shall repayre and be resient for the sale of their Merchandizes, shall and may from tyme to tyme and at all tymes hereafter forever enact, make ordain and establish Acts, Laws Constitutions and Ordinances as well for the good government Rule and Order of the said Governor, Assistants and Fellowship of Merchants Adventurers of England and

<sup>1</sup> *Laws and Ordinances*, fol. 3.

their successors and every merchant and particular member of the said Fellowship or body-corporate.’<sup>1</sup>

This confers all legislative functions of the organisation on the Court of Assistants. And the delegation of powers here made is confirmed in the by-laws of the Society, where it is further added that they exercise these powers ‘ffor the better government as well of themselves and the whole ffellowshippe, as also of all other Englishe subiectes now or hereafter Intermedlinge with or by any meanes usinge the Trade of a Merchant Adventurer one this syde the Seas where the ffellowshippe ys or shalbe Privileged.’<sup>2</sup>

Nor is this all ; they are themselves made the judges and interpreters of the laws thus made, and are given power to disfranchise any member. The Charter of 1564 declares ‘that it shall and may be lawful to the said Governor or his Deputie, or Deputies and the four and twenty Assistants and their successors for the time being and twenty of them whereof the said Governor or his Deputies to be one, to amove displace put out and disfranchise out of the said Fellowship or Company all and every such person and persons which shall commit or perpetrate any great trespass abuse offence and contempt against any of the said Acts Laws Statutes and Ordinances made or to be made as is aforesaid in that behalf.’<sup>3</sup> The by-laws contain the same rule, with the provision that disfranchisement and ‘receiving again’ must be done by the Governor and twenty of the Assistants at a ‘General Court.’<sup>4</sup>

Next in importance after the legislative powers vested in the Court of Assistants is its participation in the organisation and administration of the affairs of the local Courts. The primary question of deciding upon the advisability of establishing a local Court for freemen of the Fellowship resident in any particular town lay with the General Court. After that, however the Court of Assistants virtually controlled

<sup>1</sup> *State Papers, Dom.*, Charles II., vol. xxvii. fol. 57.

<sup>2</sup> *Laws and Ordinances*, fol. 3.

<sup>3</sup> *State Papers, Dom.*, Charles II., vol. xxvii. fol. 62.

<sup>4</sup> *Laws and Ordinances*, fol. 6.

the matter, even to the extent of appointing the officers for the newly created 'sub-post.'<sup>1</sup>

#### 4. *The Seat of Government*

In the discussion of the government of the Fellowship allusions to the place of residence of the Society, to the towns where the Court of Assistants held its sessions, and to the place where the General Court was wont to assemble, appeared continually. These, it will be remembered, all point to the location of the government of the Society on the Continent. For various reasons I have accepted these indications as correct, and proceeded throughout the discussion up to this point on the assumption that the seat and centre of the Society was located, not in England, but abroad. Such an interpretation of the facts is, however, diametrically opposed to the generally accepted theory of the organisation of the Fellowship, and it becomes necessary, therefore, to discuss the question more at length.

It is usually held that the seat of government was in London; that because a large proportion, probably a considerable majority, of the Adventurers resided in London, that because the four great martly shipments of cloth to the mart towns of the Continent were made there, and also because the Company was purely English in character, therefore the government of the Society must have been centralised in the great commercial port of the realm, and that the administration must have emanated from the court of London. To the courts or residences in the mart towns on the Continent, as also to those in England not in London, is ascribed the position of subsidiary Fellowships.

The most recent writer of note on this subject states the case briefly and clearly as follows: 'Die Gilde hatte eine doppelte Organisation zu Hause und in Antwerpen. Der Hauptvorstand in London bestand aus dem Governor nebst seinen Deputies und Assistants, während in Antwerpen nur

<sup>1</sup> *State Papers, Dom.*, Charles II., vol. xxvii. fol. 82; also *Laws and Ordinances*, fol. 3. For a more complete discussion of this point see chapter on the 'Relations of General and Local Courts.'

ein Deputy oder Courtmaster mit der nöthigen Zahl von Assistants die "Court" bildete. Der Hauptvorstand hatte sehr weitgehende Befugnisse; er durfte selbst die Statuten ändern. Die Court in Antwerpen dagegen durfte sie nur ausführen, ungehorsame Mitglieder strafen, Streitigkeiten schlichten und dergleichen.<sup>1</sup>

This is very clear and simple. But unfortunately the writer does not adduce any historic evidence to support his sweeping statement. That the seat of the Society's government was at London is taken as a matter of course, concerning which further demonstration would be a waste of time. Neither does the statement regarding the relative powers and duties of the London Court against the dependent organisation at Antwerp seem to him to be open to question. Others have accepted the same views, but more tentatively Dr. Cunningham refers to 'an Imperial Court'<sup>2</sup> at London, and Professor Gross speaks of the numerous local organisations of the Adventurers, all 'under the general regulations of the parent fraternity, whose headquarters was at London.'<sup>3</sup> Schanz is more guarded, but his conclusions are virtually the same. He says, 'Wie die Entstehung der Gesellschaft hauptsächlich das Werk der Londoner war, so waren diese auch bestrebt alle Gewalten in ihre Hände zu bekommen.' In the note he adds, 'Die Ernennung des Governours lag fast ganz in ihren Händen,' giving as illustration the instance of 1542, when, to quote his own words, 'als die Kaufleute in Antwerpen einen andern wählten, als den welchen die Londoner wünschten, klagten die letzteren beim Privy Council, in Folge dessen auch die Wahl redressirt wurde.'<sup>4</sup>

This instance, so far as the facts are given by Schanz, would seem to establish this view of the case satisfactorily. Curiously enough, however, a more detailed study of the incident reveals the fact that the author has made an entirely

<sup>1</sup> Ehrenberg, *England und Hamburg im Zeitalter der Königin Elizabeth*, page 28.

<sup>2</sup> Cunningham, *Growth of English Industry and Commerce*, ii. 121.

<sup>3</sup> Gross, *The Gild Merchant*, i. 154.

<sup>4</sup> Schanz, *Englische Handelspolitik*, i. 341.

erroneous interpretation of the case, and that when all the facts are taken into consideration a conclusion quite the opposite of his must be drawn. Before taking up the discussion of this solitary bit of evidence adduced in support of the theory, I wish to make a brief survey of the facts in favour of the position I have advanced in this thesis, and which have led me to take issue with Professor Ehrenberg's preference for locating of the 'Hauptvorstand,' or government, in London.

Among the Additional Manuscripts in the British Museum there is one, manifestly of the seventeenth century, which I wish to cite, not as final proof, but rather as a clear statement of what appears to me a much more plausible and certainly more historical explanation of the organisation. According to this writer, 'The Merchants Adventurers of England, commonly called the Hamburg Company, are by their several Charters privileged to trade into many and large countries abroad, *viz.* Holland, Zealand, Brabant, Flanders, East Friesland, West Friesland, all the countries then under the Duke of Burgundy, Germany and all the provinces thereof.

'Their trade for exportation is chiefly the woollen manufacture of England, for importation of linens, etc.

'When the first Charters were granted, the Company resided beyond the sea, *therefore the government is placed in the Governor or Deputy and twenty-four Assistants resident beyond the seas, for the reason of placing the powers beyond sea was because then those who were to use them lived abroad.*<sup>1</sup> And by reason of this Constitution those beyond the seas are empowered to make By-Laws at their pleasure for the rule of the Company, etc.'<sup>2</sup> The rest of this interesting document relates to rules and restraints upon export, and the 'stint' and provisions for shipping at 'appointed seasons' and in 'certain appointed ships.' For our purpose this quotation from it is quite sufficient to make one feel a little dubious about Professor Ehrenberg's theory.

But there is other evidence of a more conclusive character.

<sup>1</sup> The italics are my own.

<sup>2</sup> *Brit. Mus. Addit. MS.* 28079, fol.

The text of *A By-law of Agreement between the Residence of London and Hamburg* runs as follows: 'Forasmuch as the Charter of the Fellowship of Merchants Adventurers of England is to be renewed, and the Residence of London has thought it convenient to have the use of some particular privileges secured to themselves, viz.—

'(1) That the residence of London shall have sole choice of the Deputy and all other officers used in and for that Residence.

'(2) That no by-laws shall be made or ratified hereafter without the Concurrence of the Residence of London, and that those already made shall be revised and either confirmed or altered by joint consent of the Residences of London and Hamburg.

'(3) That no Imposition Rates or Duties shall be assessed relating to the Trade without the consent of the Residence of London.

'All of which being communicated to the Residence of Hamburg, We are contented therewith in manner following,' etc.

On October 22, 1688, the General Court at Hamburg 'voted & declared, enacted and ordained' these and other concessions to the Londoners, 'notwithstanding the clauses in all or any of the Charters of the said Fellowship heretofore Granted or hereafter to be granted whereby the Governor Assistants and Fellowship of Merchants Adventurers of England or any of them Resident beyond the Seas are or shall be empowered to choose a Governor and all the Officers Committees and Associates of the said Fellowship as well in England as beyond the Sea and to make Laws, Statutes and Ordinances for the Government of the said Fellowship and to Tax, Impose take and levy Impositions Rates Sums of Money for the Support thereof And notwithstanding the usage of Us the said Residence of Hamburg in Exercising the said severall Powers.'<sup>1</sup>

This shows clearly that the London Residence had not

<sup>1</sup> *Brit. Mus. Addit. MS.* 18913, fol. 200.



even a recognised right to elect its own deputy ; that impositions and taxes could, by the Constitution, be imposed on its members by the Court abroad, and that this was further established by actual custom. Neither can the London Residence by any possible interpretation have been the 'Imperial Court,' with 'the power to alter the statutes,' for in the second provision the right to veto statutes made at Hamburg is granted it as a special privilege.

The last article of the By-laws reads: 'That no Governour of the Fellowship shall be chosen hereafter without the foreknowledge and Consent first had of the Residence of London . . . And that the Governour of the Fellowship or his Deputy in the Residence of London together with the Generality of the said Residence shall have and Wee doe hereby give them free liberty Lycence sole Power and Authority from time to time and at all times hereafter to Elect and choose and appoint a Deputy and soe many other . . .'<sup>1</sup>

But even after these solemn and formal agreements the London Residence was not allowed to exercise the rights secured by the by-law. For in a petition to Parliament some time after, loud complaint is made that this agreement was shamefully disregarded by the General Court at Hamburg.<sup>2</sup>

Nowhere in the Letters Patent and the Charters is there any mention of a General Court at London. On the contrary, they consistently point to the location of the headquarters of the Society abroad. The history of the inception of the organisation, as it appears in the Charters, and indeed as it has been accepted by the authors cited above, is entirely out of harmony with the idea of a central or federal government in England. The basis or nucleus for the inception of the Fellowship consists in the conditions

<sup>1</sup> *Brit. Mus. Addit. MS.* 18913, fol. 200. The paragraph comes to a sudden stop here, but on fol. 202 is the continuation in another hand.

<sup>2</sup> *Brit. Mus. Addit. MS.* 28079, fol. 65 (?). Also *State Papers, For., Ham.* No. 8, Letter from Sir P. Rycaut, August 8, 1690.

confronting the English merchant on the Continent; the origin, the purposes, and above all the work of the Society demanded an organisation with headquarters in those regions. Hence the right to assemble and organise secured by the Charters is always granted for the better ordering of trade and the settling of discords in *those parts*.<sup>1</sup> The fact should be kept in mind constantly that the special privileges granted by English kings to the merchants are at first based directly on those already granted to them by the princes of the Low Countries.

The Charters invariably speak of the English merchants resident in or frequenting 'the parts beyond the Seas,' as in the Patent of 1406, by Henry IV.<sup>2</sup> The right and power to choose governors is granted to the merchants on the Continent, and they are to elect them from amongst themselves in those parts. There is no reference to London or any other port of England in particular. Nor is there in any of the privileges a single mention of any particular city or town in this connection. From the standpoint of the Charters, the privileges are granted to all English merchants resident or trading in the parts beyond the seas, regardless from what English port they came.

The provisions for the government of the Fellowship in the Charter of 1564 are equally explicit on these points. Speaking of the merchants abroad, it says: 'And moreover we grant . . . that they . . . may from time to time forever hereafter assemble themselves together beyond the seas in the countries and towns of Holland, Zeeland, Brabant, Flanders, East Friesland, West Friesland, Hamburg, and the territories to the same belonging or in any part thereof

<sup>1</sup> Cf. the following extract from a MS. *ca.* time of Elizabeth:—'. . . Whose Majestie . . . did grant unto them privileges to assemble and meete in a mete and honest place in the parts *beyond the seas* to choose a Governor, to make ordinances, to pacify controversies, to punish desobedient,' etc., 'and have for themselves all and singular liberties and privileges before that time granted by the Lords and Governors of those parts unto the said Ancient Merchants.' *Harl. MS.* 597.

<sup>2</sup> *Supra*, p. 25.

in such part of the same where the said Fellowship of Merchants Adventurers of England shall repayre and be resident and abiding for the sale of their merchandizes, and that then and there the said Fellowship of Merchants Adventurers of England, or the greatest part of them there then being shall and may at their liberty and pleasures name choose and elect of the said Fellowship of Merchants Adventurers of England one or moe person or persons to be Deputie or Deputies to the said governour (the governour is appointed for the time being), so from tyme to tyme to be elected, the same Governour Deputie and Deputies to be and continue in the said office and offices, and to be removed from the same by the assent of the *said fellowship or of the more part of the same Fellowship so resiant as is aforesaid* at their will and pleasure.<sup>1</sup> Again no indications of a General Court in England. On the contrary, the Governor, his Deputy and Assistants, that is, the governing body, are all subservient to, and may be removed at the pleasure of, the Fellowship resident beyond the seas.

The first officer at the Court at London is spoken of as *Deputy*, not as the *Governor*. The by-law in regard to election of the officers at London does not read, 'the sole choice of the *Governor*,' but 'the sole choice of the *Deputy* for that Residence.'<sup>2</sup> And again, when the order restraining the amount and times of shipment was 'left open,' and the only restraint remaining was the need of a licence from the Fellowship distributed by the officers at London, it was enacted that the '*Deputie* and his substitute, the *Secretaire* in the said Cittye, are requyred and hereby charged, to have a speciall good regard, and to bee verrie circumspect and equall in delivering out bills for the said ffree licence,' etc.<sup>3</sup> Whenever the title of Governor occurs, the person designated is almost invariably on the Continent.<sup>4</sup> The period of the

<sup>1</sup> *State Papers, Dom.*, vol. xxvii. fol. 49.

<sup>2</sup> See above, p. 38.

<sup>3</sup> *Laws and Ordinances*, fol. 53.

<sup>4</sup> The few exceptions I have met in the manuscripts belong almost exclusively to the middle of the seventeenth century, to the period of the Protectorate.

governorship of such men as Caxton and Gresham corresponds closely with their sojourn abroad.

Letters addressed to the General Court of the Fellowship are directed to the principal Residence abroad. A number of such communications, arising out of the long quarrel with the Merchant Adventurers of Newcastle, exist. In the records of the Newcastle Society, two extracts from the 'Merchants Adventurer books' occur, and in both cases the superscription is 'General Court at Antwerpe,' the words 'Sinxon Mart' being added in the second instance.<sup>1</sup>

It is not to be understood, however, that the General Court was never held in London. In the Laws and Ordinances there is a rule that apprentices had to be received into the Fellowship 'at a Generall Court one this syde the seas;' but, as we have seen, this could also be done by the General Court held at London by special order therefor from the Fellowship abroad.<sup>2</sup>

'No Act or Ordinance,' reads another provision, 'shalbe made concerninge shippinge without the advyce of the brethren of this ffellowshippe dwellinge in Londone first Requyred and had therein.'<sup>3</sup> During the early years of the seventeenth century, especially during the period of Cockayne's Patent, numerous orders with respect to trade emanating from a General Court at London have come to my notice.

But even in matters of shipping and trade the Court abroad exercised authority and made the statutes. Thus 'At a Court holden April 19, 1634,' at London, 'Master Withers did exhibit two severall Papers to this Court to be considered of, concerning what abatements should be made for all defects of cloth whether in weight, length or breadth, as also some points for the ordering of tarre, which he desired might be recommended to the Courts at Hamburg and Delft, that they might consider thereon and further advise of any other course, and it was accordingly ordered; *but the Court of Hamburg is to be desired to make no act in this matter till*

<sup>1</sup> *Records of the Merchants Adventurers of Newcastle*, Surtees Society, ci. 3.

<sup>2</sup> *Laws and Ordinances*, fols. 33, 34.

<sup>3</sup> *Ibid.* fol. 43.

they have acquainted this Court with their opinion thereon.' <sup>1</sup> Why this anxiety lest an act be made at Hamburg, without consultation, if the right to do so had not existed? In case a report or presentment of misshipping was brought to the notice of the authorities of the Fellowship at London, it devolved on them to examine the charges 'at some Court of Associates, there within twoe monthes to bee helde after suche report or presentment, and fyndinge the same true shall within one monthe after, certifye over the offence to the Court one this syde the Seas, to the end that punishment may be inflicted upon the offenders.' <sup>2</sup> In civil cases likewise the authority of the Court beyond the seas is unquestioned. Speaking of special cases which 'cannot be so well tryed out and examined here as in England,' and for which provision for trial in England is accordingly made, the statute emphatically prescribes that before 'proceedinge to sentence,' those in charge of the trial in England 'shall with all Convenient speed signifye to the Court here what they fynde to the end that the said matter may be finally proceeded in.' <sup>3</sup>

There is, therefore, positive evidence of the most varied and conclusive character in support of the view that the Government of the Fellowship was located abroad, and not at London, as has been generally believed. We saw that the theory of an Imperial Court at the latter place is based, with one exception, on the statement made by recent writers. The single exception is the incident arising out of the election of a Governor in 1542, cited by Schanz. The faulty interpretation put upon this incident has been hinted at, and in order to get at its true bearing I will now examine it more closely. The account is found in the Proceedings of the Privy Council, and is here given in full in the note. <sup>4</sup>

<sup>1</sup> *Brit. Mus. Pamphlet* 712. 9. 76.  
2.

<sup>2</sup> *Laws and Ordinances*, fol. 48.

<sup>3</sup> *Ibid.* fol. 118.

<sup>4</sup> *Acts of the Privy Council* (N.S.), i. 53. 'Whereas the rome of the Governour off the Fellowship off Merchantes Adventurers being voyde and one or twoe successivelye chosen and named thereunto refused neverthelesse the same, the company of the sayde Fellowship att Antwerp wrote theyre letters to the others here, desiring them, being wyse and grave men, and men off great experience, to

From this record it appears that the office of Governor of the Fellowship of Merchant Adventurers had become vacant, that the Court at Antwerp (not at London) had elected several men, all of whom had declined, and that as a last resort the Court at London was asked to nominate a candidate for the office. This was done, but for some reason the person suggested was not elected. In his stead, another person who was very distasteful to the London Merchants was appointed. This aroused the London Fellowship, and the matter was laid before the Privy Council by 'Sir Richard Gresham, Powle Withipowle, — Pierpoynt, and — Gresham.' The Court at Antwerp was then ordered by the Privy Council to 'retourne to a new election and in the same to elect' the candidate suggested; failing in this, the ringleaders are to present themselves before the Privy Council.

No further argument is needed to show that instead of an Imperial Court at London electing a Governor of the General Fellowship, that function or duty belonged to the Court at Antwerp; that the participation of the London Fellowship

name summe one whome they sholde and wolde elect to the rome abovesayde, who accordinglye calling here theyre court twoe severall tymes condescend at length upon named — Casteline, whome beinge in theyre opinions a right mete man for the sayde purpose they required the said companye at Antwerp to ratifie and elect for Governour according to their promise in whose commendation also at that time the kinges Highness Privye Counsell wrote theyre favorable letters. Forasmuch as nether regarding the keping off theyre promes, nether yett having suche respect as the ought to have haade to the merchauntes here, being theyre heades and masters, they chose and elected this notwithstanding one — Knotting a man of such qualities as no man was to be thought more unmete therefore. Thys day in the name of all the rest entered theyre complaynt hereoff, Sir Richard Gresham, Powle Withipowle — P(ier)poynt and — Gresham, and declaring unto the Counsell as well the mocke receyved by them att the handes of the sayde yong men resident in Antwerppe as contempt also evidentlye showed off the Counselles letters, they desired humbly some remedie to be devised on this behalf. Whereupon letters were devised and sent to the sayde Fellowshippe at Antwerppe requiring as well in respect of the sayde consideration as in consideration also that the sayde — Knotting was noted to be an inhabitant of the said towne of Antwerp, and as it was thought a freeman of the same, to retourne to a new election and in the same to elect and name the sayde Castelyne, according to theyre former promes, or else the sayde — Knotting and Clarcke of the Fellowshippe to repayre immediately to the Courte and to present themselves wyth all convenient diligence before the Privy Counsell attending upon the kynges Highnes most royaal person with all convenient diligence.'

in the election of 1542 arose purely out of the special circumstances attending it; and that even with the direct support of the King's Council they could not do more than demand that another person be chosen by the Fellowship at Antwerp. The facts of this case, therefore, instead of establishing the statement made by Schanz, tend rather to disprove it. And this brings the incident in accord with the evidence adduced in the preceding pages. In conclusion, let us place by the side of the statement by Ehrenberg: 'Der Hauptvorstand' (in London) 'hatte sehr weitgehende Befugnisse; er durfte selbst die Statuten ändern. Die Court in Antwerpen dagegen durfte sie nur ausführen,' etc., the very first clause of the Constitution of the Society, in which it is provided that the 'governour and four and twentie Assistants, chosen by the fellowshippe or by the most parte of them one thys syde the Seas' (drawn up at Middelburg) are 'to enact Lawes Statutes and Ordinances ffrom tyme to tyme and the same to put in execution as well in England as one this syde the Seas, and the said Lawes, Statutes and Ordinances to revoke and alter at their pleasure.'<sup>1</sup>

### 5. *Local or Sub-Posts*

The sub-posts or local chapters of the Fellowship constitute one of the most important and interesting features of the Society's organisation. During the period we are discussing, the Merchant Adventurers comprised not merely a group of merchants organised as an English 'nation' abroad, under a governor, assistants, and other necessary officers, but also a considerable number of subsidiary Fellowships or Courts in the various towns of England and the Low Countries. These were composed solely of those merchants resident in a particular place, who were members of the Merchant Adventurers Company, and who, if the Fellowship saw fit, were organised as a local chapter. Each local post had its own court and officers, after the model of the general fraternity, but it was in every respect subservient to the rules and jurisdiction of the General Court.

<sup>1</sup> *Laws and Ordinances*, fol. 2.

The permission to establish such a chapter in a place where members of the Company resided depended entirely on 'the Governor, Assistants, and Fellowship.' The Charter of 1586 makes special provisions for the local organisations. It provides that, 'for as much as the said Fellowship of Merchants Adventurers of England or some part of them are often times resient and abiding in several places as well as in the Parts beyond the seas as within the Realme for their traffique and Trade of Merchandizes and to the intent that good government and rule may be had over every member of the same Fellowship, and that the Laws and Ordinances to be made as aforesaid may be duly executed in all places where-soever any part of the same Fellowship shall be resient and abiding. We therefore of our ample grace . . . grant to the said Governor Assistants and Fellowship of Merchants Adventurers of England and to their successors that they and their successors or the greatest part of them which shall be resient and abiding in parts beyond the seas as aforesaid, shall and may from henceforth forever from tyme to tyme chose and elect for every place where any part of the said Fellowship which shall be resient or abiding in England or beyond the Seas, one Deputy and so many discrete and honest persons of the said fellowship or corporation to be associate unto every such deputy, as to them shall be thought meet or convenient, which persons so to be chosen shall be called the Associates.'<sup>1</sup> The right not only to establish or charter a local organisation, but even of appointing the officers, lay entirely with the Fellowship abroad. The exact method in which this was to be done is not prescribed by the Charter. Power was vested in the General Court, and it might pursue whatever plan seemed most desirable. The Laws and Ordinances, in accordance with the regulations of the Charters, provide for the establishing of local Courts, and for the election of the officers by the entire Fellowship assembled in a General Court abroad. Thus, 'Wheresoever anie parte of the foresaid ffellowshippe ys or shalbe dwellinge

<sup>1</sup> *State Papers, Dom.*, Charles II., vol. xxvii. fol. 82.



abydinge or Resident in Competent number, whether one this syde the Seas or in England, there shalbe yearly or otherwise as need shall Requyre chosen by the abovesaid Governour or his deputie or Deputies, Assistents, and ffellowshippe, or by authoritie ffrom them to that Intent given and grannted one Deputy and so many honest and discreete persons as shalbe thought meet and Convenient from tyme to tyme to bee associate to the aforesaid Deputie in evrie one of the aforesaid places.'<sup>1</sup>

This is fully in accord with the Charter, but it adds the important clause, 'or by authoritie ffrom them to that Intent given and grannted,' the Fellowship either delegated, or contemplated delegating, the authority to elect officers for the sub-posts to others. The question therefore arises, To whom, in actual practice, was it granted? Does the clause imply that the Company allowed the greatest possible amount of local self-government, and granted to the subsidiary Societies the privilege of choosing their own officers? Or does it indicate a practice on the part of the Fellowship to confer its powers on the Governor and Assistants? Clearly the latter, both from the spirit of the government of the Society, and from the accounts of several instances which have been preserved of the choice of local officers. Besides, we have the explicit testimony of the Secretary of the Company to that effect.

The example of the London Fellowship striving to secure the right of electing its own officers even as late as 1688, and the refusal on the part of the Court at Hamburg to abide by a by-law granting this, even after it had formally agreed to it, would certainly indicate a most careful maintenance of the rights of the central government. If so important a residence as London did not possess this right, we may safely conclude that local independence was not a part of the scheme of organisation of the Society. In May of 1635 Misselden wrote to the King concerning his assumption of the duties of the Deputy at Rotterdam, 'that the king's counsell therefore is that the deputy and chief men of

<sup>1</sup> *Laws and Ordinances*, fol. 3.

the Company confer with me, and because it will be long ere a deputy can be chosen at *Hamburg for Rotterdam*, that Deputy, Edwards, by private letters to Hamburg, give notice of the service I am about to undertake.'<sup>1</sup> On August 5, 1690, Sir Paul Rycaut wrote to a member of the Council, 'I have this day received the honor of your Lordship's of the 25th past in favor of Mr. Ince,<sup>2</sup> whom I believe this Residence of Merchants did very unadvisedly remove from being Secretary to the Residence at London. I was not that day present at the Court when that vote passed, being for some reason absent at that time ; nor did I know anything of his removal until 3 or 4 days afterwards, but since your Lordship has given me leave to make use of your name, I doubt not but it may contribute much toward his re-establishment, being in my opinion the best and most proper man to be employed in the Company's service.'<sup>3</sup>

We can therefore accept the statement of the Secretary of the Society that the officers for local Courts were elected by the Court of Assistants. He says in his 'Treatise of Commerce,' 'by the said Governour and Assistants are also appointed, and chosen a Deputie and certain discreet persons, to be Associates to the said Deputie, in all other places convenient, as well within, as without the realme of England, who all hold Correspondence with the Governour of the Company and chiefe Court in the Marte Towne on the other side the seas, and have subalterne power to exercise Merchants law, to rule, and looke to the good ordering of the Brethren of the Companie everywhere, as farre as may be, and their Charters will beare them out.'<sup>4</sup>

The duties of the Deputy and Associates are 'subalterne,' as Wheeler says, to those of the Governor and Assistants of

<sup>1</sup> *Calendar of State Papers, For.*, May 1635.

<sup>2</sup> From a letter of the Earl of Nottingham to Mr. William Gore, July 23, 1690, we learn that Mr. Ince had been for several years secretary to that part of the Hamburg Company which resided in London. *State Papers*, H. O. Sec.'s Letter Book, 2, p. 145.

<sup>3</sup> *State Papers, For.* Ham. No. 8, August 5, 1690.

<sup>4</sup> Wheeler, *Treatise of Commerce*, p. 25.

the Fellowship. In the very important matter of making the laws and statutes for the government of the Society they have no power whatever. Their powers and functions are purely administrative and judicial, not legislative. They are given full power and authority to execute the laws or punish offenders, and to arbitrate and decide in all civil disputes, not only between freemen of the Fellowship, but all others submitting themselves to its rule.<sup>1</sup> Certain classes of cases had always to be referred to the Court abroad for final action. Even the functions of the Court of London in this respect were largely secondary, as is seen from the statutes providing for the hearing of its cases by the Court abroad before final judgment and execution.<sup>2</sup> An interesting by-law regarding the local Court at Emden further illustrates the position of the sub-posts. It reads, 'No apprentyce or other persone Clayminge the ffreedome of this ffellowshippe shalbe admitted at Embden or elsewhere out of the place of the Chief Court one this syde the Seas, before advertisement be procured and thither given or sent orderly from the said High Court. . . . Neither shall anie certificate of dew service bee accepted in the lower Court, but Referred to the Highe Court, there to be accepted, and Enregistered,' etc.<sup>3</sup>

It would be interesting to follow up the study of these constitutional provisions for the government and organisation of the Society in reference to the local Courts by investigation into the manner in which they were carried out in actual practice,<sup>4</sup> but such a study would take us away from the present subject into one of the most difficult phases of the history of the Fellowship. The available material for the history of the local Courts is very meagre. Even the towns where a local

<sup>1</sup> *Laws and Ordinances*, fol. 3.

<sup>2</sup> See p. 38.

<sup>3</sup> *Laws and Ordinances*, fol. 34.

<sup>4</sup> The question is complicated still further by the fact that a number of the local or subsidiary fellowships, as for example the court at Newcastle, were more or less independent in their origin of the general Society and only brought under its jurisdiction at a comparatively late period. The relations of local organisations of this kind to the general Fellowship would therefore differ materially from those of the more dependent subsidiary courts.

residence was established cannot all be determined with any degree of certainty. When Wheeler speaks of the Merchant Adventurers in nearly every seaport of the kingdom, he by no means implies that there existed an 'Inferior Court' in each of these places. Whether there was such a Court at Ipswich, at Exeter, at Hull, etc., or in certain towns in the Low Countries, depended, as we have seen, entirely on the number of Adventurers who lived there, and upon the attitude of the General Court. The local membership could be organised into a Chapter under a Court of Associates only by an order of the General Court. The purpose of the subsidiary residences abroad might differ from that of the local organisations in England, but their form and relation to the central government was the same. During the sixteenth and seventeenth centuries there were several such Courts on the Continent, outside of the mart towns. The government of the Society, although always on the Continent, was by no means always at the same place, and frequently after its removal to a new town, the old residence would continue for a time, in certain cases for decades, as a sub-post. Thus long after the government of the Society had been located at Hamburg, the Fellowship at Dordrecht remained organised as a local Chapter, enjoying special privileges from the town down to the middle of the eighteenth century (1751).<sup>1</sup>

In conclusion, therefore, we may say that the structure of the government of the Merchant Adventurers consisted of two distinct and separate bodies. The first, known as the Court of Assistants, was composed of the Governor or Deputy and twenty-four Assistants. This Court of Assistants constituted the real governing body of the Adventurers. It not only made the statutes and ordinances, but it was also entrusted with the duty of enforcing them; it administered the general affairs of the Society, represented its interests

<sup>1</sup> *Resolutien van den Oudraad*, Jan. 5, 1751, Staatarchief, Dordrecht. This interesting resolution, together with those relating to the same subject among the *Resolutien van Holland*, Staatarchief Skragenhag, will appear in the volume with the *Laws and Ordinances of the Fellowship*. University of Pennsylvania, *Translations and Reprints*, New Series, vol. 2.

with the Government and with strangers, and it maintained order and discipline among the members of the Fellowship. It was elected, as we have seen, by the Fellowship or generality assembled in a General Court—the Governor annually, the Assistants partly. The second, the local Courts, or Courts of Associates, established in various towns in England and on the Continent, were made up of a Deputy and a certain number of Associates. These administered the affairs of the Society in the various towns and cities outside the place of residence of the Court of Assistants, where a sufficient number of Adventurers resided to make it desirable to establish a local Court. According to the charters and by-laws the Deputy and Associates were elected, or rather appointed, by the Court of Assistants, though it is altogether likely that the desires of the members of the local Fellowships usually determined the election. Nor should the fact be lost sight of that the relations of one or two at least of the local Societies to the General Fellowship were quite irregular and peculiar to themselves.

Back of this machinery for government and rule of the Merchant Adventurers was the generality or body of members, which assembled partly, or when occasion demanded or made it possible. When thus assembled it called itself the 'General Court' of the Fellowship. Its most important functions were to elect the Governor and Assistants, to decide on the setting up of local Courts, and to discuss and direct the general policy of the Society.



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First in importance among these are

*The Lawes, Customes and Ordinances of the ffellowshippe of Merchantes Adventurers of the Realm of England, Collected and digested by John Wheeler, Secretarie to the said ffellowshippe, Anno Domini, 1608, and sithence continued according to the further orders from tyme to tyme made for the gouvernement of the said ffellowshipp.* Brit. Mus. Addit. MSS. 18913. An account of this interesting and unique volume is given in the preface of the reprint referred to above. Its importance can scarcely be overestimated. It gives a full outline of the structure and organisation of the society, its different courts, officers and servants with their duties and functions; of the administration of its affairs; of the government of its members in matters pertaining to trade; of the time, place, and manner of buying, shipping, shewing, and selling, and of the relations of freemen and apprentices to each other, and toward strangers.

Next in importance is the manuscript volume of charters made by Howard. Record Office, State Papers, Charles II, Domestic Series, volume 27. It is described in the Calendar as follows: "Charter of the Company of Merchant Adventurers, containing an inspeimus of previous charters granted to them, from Henry IV. downwards, and confirming all their liberties and immunities with a proviso in favor of the liberties of the citizens of London; also a condition that all Merchant Adventurers residing within 20 miles of London shall become free of the city." <sup>1</sup>

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<sup>1</sup> Calendar of State Papers, Domestic Series, 1660-1661. p. 464.

This inspeximus of charters deserves a place by the side of the Laws and Ordinances as a source. It contains all the charters from 1406 to 1661 except that of 1462. Those of 1564 and 1586 are especially valuable, the former for the first time incorporating the Fellowship, the latter confirming the grants of 1564, and adding several very useful and interesting provisions relative to the local Fellowships or sub-posts. It is besides the only copy of the charters that has been found. Individual grants or charters, especially the earlier ones, are given in other sources, but no where all together, while the text of those of the later period are not known to exist elsewhere. What has become of the originals from which Howard made the copy is not known. The occasion for making it seems to have arisen out of the petition of the Londoners against the practice of certain Merchant Companies of admitting to their freedom persons not free of the city of London.

These two great sources must, in the absence of the private records, form the basis for the study of the Merchant Adventurers. They contain the material for a study of the organisation and character of the Society, and within certain limits, of the land-marks of its external history, particularly in its relation to the State. On the other hand it must be remembered that this is after all only one side of the subject; a history of the Adventurers constructed with this material only would be very meagre indeed. It would of necessity be only a skeleton, an outline. It would furnish very little data for the rise and growth of the extensive activities of the Society, either at home or abroad, of its great commercial and political influence, and its consequent importance to the general history of England.

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